

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ART Research and Technology, LLC

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

Maricopa, Arizona

(c) Attorneys (Firm Name, Address, and Telephone Number)

Eric B. Hull

Kercsma & O'Hara PLLC

8200 Wilshire Blvd., Suite 222

Beverly Hills, CA 90401

DEFENDANTS

Meta Platforms, Inc. f/k/a Facebook, Inc.; Instagram, LLC

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

☒ 3 Federal Question  
(U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity  
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY                                | BANKRUPTCY                                     | OTHER STATUTES   |
|---|--|---|--|--|
| 110 Insurance   | PERSONAL INJURY                              | 625 Drug Related Seizure of Property 21 USC § 881 | 422 Appeal 28 USC § 158                        | 375 False Claims Act   |
| 120 Marine  | 310 Airplane                                 | 690 Other   | 423 Withdrawal 28 USC § 157                    | 376 Qui Tam (31 USC § 3729(a))                                       |
| 130 Miller Act  | 315 Airplane Product Liability               | LABOR   | PROPERTY RIGHTS                                | 400 State Reapportionment  |
| 140 Negotiable Instrument                                   | 320 Assault, Libel & Slander                 | 710 Fair Labor Standards Act                      | 820 Copyrights                                 | 410 Antitrust  |
| 150 Recovery of Overpayment Of Veteran's Benefits           | 330 Federal Employers' Liability             | 720 Labor/Management Relations                    | <input checked="" type="checkbox"/> 830 Patent | 430 Banks and Banking  |
| 151 Medicare Act  | 340 Marine                                   | 740 Railway Labor Act                             | 835 Patent—Abbreviated New Drug Application    | 450 Commerce   |
| 152 Recovery of Defaulted Student Loans (Excludes Veterans) | 345 Marine Product Liability                 | 751 Family and Medical Leave Act                  | 840 Trademark                                  | 460 Deportation  |
| 153 Recovery of Overpayment of Veteran's Benefits           | 350 Motor Vehicle                            | 790 Other Labor Litigation                        | 880 Defend Trade Secrets Act of 2016           | 470 Racketeer Influenced & Corrupt Organizations                     |
| 160 Stockholders' Suits                                     | 355 Motor Vehicle Product Liability          | 791 Employee Retirement Income Security Act       | SOCIAL SECURITY                                | 480 Consumer Credit  |
| 190 Other Contract  | 360 Other Personal Injury                    | IMMIGRATION                                       | 861 HIA (1395ff)                               | 485 Telephone Consumer Protection Act                                |
| 195 Contract Product Liability                              | 362 Personal Injury -Medical Malpractice     | 462 Naturalization Application                    | 862 Black Lung (923)                           | 490 Cable/Sat TV   |
| 196 Franchise   | CIVIL RIGHTS                                 | 465 Other Immigration Actions                     | 863 DIWC/DIWW (405(g))                         | 850 Securities/Commodities/Exchange                                  |
| REAL PROPERTY   | PRISONER PETITIONS                           |   | 864 SSID Title XVI                             | 890 Other Statutory Actions  |
| 210 Land Condemnation                                       | HABEAS CORPUS                                |   | 865 RSI (405(g))                               | 891 Agricultural Acts  |
| 220 Foreclosure   | 440 Other Civil Rights                       |   | FEDERAL TAX SUITS                              | 893 Environmental Matters  |
| 230 Rent Lease & Ejectment                                  | 441 Voting                                   |   | 870 Taxes (U.S. Plaintiff or Defendant)        | 895 Freedom of Information Act                                       |
| 240 Torts to Land   | 442 Employment                               |   | 871 IRS—Third Party 26 USC § 7609              | 896 Arbitration  |
| 245 Tort Product Liability                                  | 443 Housing/Accommodations                   |   |  | 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| 290 All Other Real Property                                 | 445 Amer. w/Disabilities—Employment          |   |  | 950 Constitutionality of State Statutes                              |
|   | 446 Amer. w/Disabilities—Other               |   |  |  |
|   | 448 Education                                |   |  |  |
|   | OTHER  |   |  |  |
|   | 540 Mandamus & Other                         |   |  |  |
|   | 550 Civil Rights                             |   |  |  |
|   | 555 Prison Condition                         |   |  |  |
|   | 560 Civil Detainee—Conditions of Confinement |   |  |  |

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation—Transfer

8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

United States, Title 35, Sections 271 et seq. of the United States Code

Brief description of cause:

Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☐ SAN FRANCISCO/OAKLAND

☒ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

DATE

05/24/2023

SIGNATURE OF ATTORNEY OF RECORD

s/ Eric B. Hull

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44**

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
  - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
  - II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
    - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
    - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
    - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
    - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
  - III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
  - IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
  - V. Origin.** Place an “X” in one of the six boxes.
    - (1) Original Proceedings. Cases originating in the United States district courts.
    - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
    - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
    - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
    - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
    - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
    - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
  - VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
  - VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
  - VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
  - IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.